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Attorneys for Defendants  
 DECISION DIAGNOSTICS CORP.. and  
 PHARMATECH SOLUTIONS, INC.

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE**

LIFESCAN, INC. and  
 LIFESCAN SCOTLAND, LTD.,

Plaintiffs,

v.

SHASTA TECHNOLOGIES, LLC,  
 DECISION DIAGNOSTICS CORP.,  
 PHARMATECH SOLUTIONS, INC., and  
 CONDUCTIVE TECHNOLOGIES, INC.,

Defendants.

Case No. CV11-04494-EJD (PSG)

**STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING SUPPLEMENT  
 TO AMENDED INVALIDITY  
 CONTENTIONS**

Hon. Judge Paul S. Grewal

WHEREAS, pursuant to the Patent Scheduling Order in this case (Dkt. No. 131), defendants Shasta Technologies LLC, Conductive Technologies Inc., InstaCare Corp. and Pharmatech Solutions, Inc. (“Defendants”) served their Amended Invalidity Contentions on November 21, 2012 and November 26, 2012;

WHEREAS, on January 11, 2013, counsel for certain of the Defendants noted that the defendants’ Amended Invalidity Contentions failed to include two prior art references, which Defendants believe may shed light on the validity of two of the patents-in-suit, U.S. Patent Nos. 5,708,247 and 6,241,862, and which should have been included in the Amended Invalidity Contentions;

WHEREAS, upon recognition of this inaccuracy, counsel for certain of the Defendants notified counsel for plaintiffs LifeScan, Inc. and LifeScan Scotland, Ltd. (“Plaintiffs”) of their desire to amend their Amended Infringement Contentions to include the references as set forth in Exhibit “A,” attached hereto.

WHEREAS, Defendants previously stipulated and joined Plaintiffs in their request to amend their invalidity contentions to include material that was inadvertently excluded (Dkt. No. 171);

WHEREAS, Plaintiffs do not object to the Defendants’ proposed amendment and Plaintiffs will not be prejudiced by the requested amendment;

IT IS HEREBY STIPULATED by and between the parties hereto through their respective attorneys of record, subject to approval by the Court, that Defendants may supplement their Amended Invalidity Contentions to include the material set forth in Exhibit “A,” attached hereto.

Dated: February 15, 2013

/s/	/s/
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PURSUANT TO STIPULATION, IT IS SO ORDERED



EDWARD J. DAVILA  
United States District Judge

Dated March 6, 2013

1 I hereby attest that I have on file written permission to sign this stipulation from all parties  
2 whose signatures are indicated by a "conformed" signature (/s/) within this e-filed document.  
3

4 /s/ Jeff Grant  
Jeff Grant

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8  
9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN JOSE DIVISION**

13 LIFESCAN, INC. AND  
14 LIFESCAN SCOTLAND, LTD.

15  
16 Plaintiff,

17 vs.

18 SHASTA TECHNOLOGIES, LLC,  
INSTACARE CORP., PHARMATECH  
19 SOLUTIONS, INC. and CONDUCTIVE  
TECHNOLOGIES, INC.

20  
21 Defendants.

CASE No. 5:11-CV-4494 EJD

**SUPPLEMENT TO AMENDED  
INVALIDITY CONTENTIONS OF  
DEFENDANTS SHASTA  
TECHNOLOGIES, LLC, INSTACARE  
CORP., PHARMATECH SOLUTIONS,  
INC., AND CONDUCTIVE  
DETECHNOLOGIES, INC.**

PATENT LOCAL RULE 3-3

Defendants hereby supplement their respective Amended Invalidity Contentions with the material set forth below. This supplement adds to and does not replace Defendants' Amended Invalidity Contentions, were are specifically incorporated as if set forth fully herein.

**I. SUPPLEMENTAL INVALIDITY CONTENTIONS**

**A. 3-3(a) and (b) The Identity of Each Item of Prior Art**

**1. '247 Patent**

Patent No.	Issued	Country	Basis and Reason
4,689,309	8/25/1987	USA	<b>Obvious.</b> The '309 Patent describes an integrated layer that includes a reagent and a glucose permeable carrier matrix that includes a silicon-containing polymerizable material. The patents-in-suit describe the "preferred filler for us in the layer [as] silica. '247 Patent at 4:10, '862 Patent at 6:42. One of ordinary skill in the art would have been motivated to combine this reference with what Plaintiffs admit was known in the art at the time of the invention. The design step contemplated by this reference was well within the grasp of a person of ordinary skill in the relevant art. A person of ordinary skill in the art could have combined this reference with the state of the art as admitted by the Plaintiffs existed at the time of their invention and would have seen the benefits of doing so.
5,628,890	5/13/1997	USA	<b>Obvious.</b> The '890 Patent describes a hydrophilic layer, possibly comprised of silicon, that is treated to create hydrophilic surface regions. '890 Patent at 6:48-54. The '890 Patent also discloses a three electrode strip test strip

Patent No.	Issued	Country	Basis and Reason
			for detecting glucose in blood, including a working electrode and a reference or counter electrode. The '890 Patent describes reference or counter electrode downstream from the working electrode in the transfer path. One of ordinary skill in the art would have been motivated to combine this reference with what Plaintiffs admit was known in the art at the time of the invention. The design step contemplated by this reference was well within the grasp of a person of ordinary skill in the relevant art. A person of ordinary skill in the art could have combined this reference with the state of the art as admitted by the Plaintiffs existed at the time of their invention and would have seen the benefits of doing so.

## 2. '862 Patent

Patent No.	Issued	Country	Basis and Reason
4,689,309	8/25/1987	USA	<b>Obvious.</b> The '309 Patent describes an integrated layer that includes a reagent and a glucose permeable carrier matrix that includes a silicon-containing polymerizable material. The patents-in-suit describe the "preferred filler for us in the layer [as] silica. '247 Patent at 4:10, '862 Patent at 6:42. One of ordinary skill in the art would have been motivated to combine this reference with what Plaintiffs admit was known in the art at the time of the invention. The design step contemplated by this reference was well within the grasp of a person of

Patent No.	Issued	Country	Basis and Reason
			ordinary skill in the relevant art. A person of ordinary skill in the art could have combined this reference with the state of the art as admitted by the Plaintiffs existed at the time of their invention and would have seen the benefits of doing so.

**B. Local Rule 3-3(c) – A Chart Identifying Where Specifically In Each Alleged Item of Prior Art Each Limitation Of Each Asserted Claim Is Found.**

**3. ‘247 Patent**

Claim	Prior Art
Claim 1	
A disposable test strip for use in a test meter which receives a disposable test strip and a sample of blood and performs an electrochemical analysis of the amount of glucose in the sample, comprising	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, ‘890 Patent describes a disposable test strip for use in a meter that measures the amount of glucose in a sample of blood. <i>See, e.g.</i> , ‘890 Patent at abstract, col. 1, lines 4-64.
(a) a substrate	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the ‘309 Patent and the ‘890 Patent describe substrates. <i>See, e.g.</i> , 309 Patent at col. 4, lines 41-47 (“A new and improved carrier matrix formed from a dispersion of a polymerizable silicon containing compound applied in an incompletely cured form in a liquid carrier containing a homogeneously mixed reactant system is applied by painting or any



Claim	Prior Art
	other means over a suitable substrate to form the test device into layer form.”); ‘890 Patent at col. 3, lines 41-44 (“The electrode support 1, typically an elongated strip of plastic material, e.g., PVC, polycarbonate or polyester, supports to or more printed tracks of electrically conducting carbon ink.”).
(b) a reference electrode	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the ‘890 Patent describes a reference electrode. <i>See, e.g.</i> , ‘890 Patent at abstract (“ An electrode strip for use in an electrochemical sensor for measuring a compound in a sample is provided, including an electrode support, a reference or counter electrode disposed on the support, a working electrode spaced from the reference or counter electrode on the support”).
(c ) a working electrode,	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the ‘890 Patent describes a working electrode. <i>See, e.g.</i> , ‘890 Patent at abstract (“ An electrode strip for use in an electrochemical sensor for measuring a compound in a sample is provided, including an electrode support, a reference or counter electrode disposed on the support, a working electrode spaced from the reference or counter electrode on the support”).
said working electrode comprising a conductive base layer disposed on a substrate	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the ‘890 Patent describes a working electrode that consists of, in part, a conductive base layer disposed on a substrate. <i>See, e.g.</i> , ‘890 Patent at abstract (“ An electrode strip for use in an electrochemical sensor for measuring a compound in a

Claim	Prior Art
	sample is provided, including an electrode support, a reference or counter electrode disposed on the support, a working electrode spaced from the reference or counter electrode on the support”).
<p>said first working coating comprising a filler having both hydrophobic and hydrophilic surface regions such that it forms a network upon drying,</p>	<p>Both the ‘309 Patent and the ‘890 Patent feature a working coating that consists of both hydrophobic and hydrophilic surface regions that form a network upon drying. ‘309 Patent at abstract, col. 3, line 58 to col. 4, line 40’ col. 5, line 35 to col. 6, line 57 (“The silicon-containing compounds, useful in accordance with the invention are those which can be dispersed in an essentially insoluble carrier”; “the polymerizable silicon-containing compound forming the carrier matrix comprises a continuous water phase and an aionically stabilized dispersed silicone phase wherein the silicone phase is a graft copolymer of a water soluable silicate and a hydroxyl endblocked polydiorganosiloxane.”); ‘890 Patent at col. 2, lines 39-64, col. 6, lines 48-53 (“The upper surface of the tape layer can also be usefully provided with a layer of silicone or other hydrophobic coating which helps to drive the applied sample on the portion of exposed surfactant coated mesh at the application point and thus make the application of small volumes of sample much simpler.”).</p>
<p>said first working coating comprising . . . an enzyme effective to oxidize glucose,</p>	<p>Both the ‘309 Patent and the ‘890 Patent feature a working coating that includes a glucose oxidizing enzyme. ‘309 Patent col. 1, lines 55-64 (“The reagent strip includes a reactant system comprising an enzyme, such as glucose oxidase . . .”; col. 3, lines 58-65; col. 5, line 35 to col. 6, line 57; ‘890 Patent at abstract; col. 2, lines 9-15 (“The</p>

Claim	Prior Art
	working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator”).
said first working coating comprising . . . a mediator effective to transfer electrons from the enzyme to the conductive base layer	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the ‘890 Patent describes a mediator to transfer electrons from the enzyme to a conductive base layer. ‘890 Patent at abstract; col. 2, lines 9-15 (“The working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator”).
(d) means for making an electrical connection between the reference and working electrode and a glucose test meter	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the ‘890 Patent describes the means for making an electrical connection between the reference electrode, the working electrode and the glucose test meter. ‘890 Patent at abstract; col. 6, lines 54-65 (“Accordingly, in use, a sensor strip of the invention is connected, via electrode contacts 3, to a measuring device (not shown). . . . The sample first covers working electrode 5 in its entirety, and only then approaches and covers reference electrode 4, completing the circuit and causing a response to be detected by the measuring device.”).
Claim 2	
The test strip of claim 1, where in the working layer is non-conductive	The elements of the independent claim are set for above and incorporated herein by this reference. Both the ‘309 Patent and the ‘890 Patent describe a working layer with no conductive properties. ‘309 Patent at abstract; col. 3, line 25 to col. 5, line 3; ‘890 Patent at abstract; col. 1, line 65 to col. 3,

Claim	Prior Art
	line 7.
Claim 24	
A method for making a disposable test strip for the electrochemical detection of glucose, comprising the steps of:	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the '890 Patent describes disposable test strips for the electrochemical detection of glucose. <i>See, e.g.</i> , '890 Patent at abstract, col. 1, line 65 to col. 2, line 15 ("the invention features an electrode strip for use in an electrochemical sensor for measuring a compound in a sample").
(a) applying a working and reference electrode tracks to a substrate	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the '890 Patent describes applying both a working electrode track and a reference electrode track to the substrate. '890 Patent at abstract, col. 1, line 66 to col. 2, line 65 ("including an elongated electrode support defining a sample transfer path for directional flow of the sample from an application point along the support, a working electrode in the sample transfer path, and a reference or counter electrode downstream of any portion of the working electrode in the sample transfer path.").
(b) applying a conductive base layer in contact with the working electrode track; and	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the '890 Patent describes a conductive base layer against the working electrode track. '890 Patent at abstract, col. 1, line 66 to col. 2, line 65 ("including an elongated electrode support defining a sample transfer path for directional flow of the sample from an application point along the support, a working electrode in the sample transfer path, and a reference or counter electrode

Claim	Prior Art
	downstream of any portion of the working electrode in the sample transfer path.”).
(c) applying a working layer over the conductive layer wherein the working layer comprises a filler having both hydrophobic and hydrophilic surface regions such that it forms a network upon drying,	The ‘890 Patent describes a working layer with hydrophobic and hydrophilic surface regions over the working layer. ‘890 Patent at Col. 5, line 66 to col. 6, line 5; col 6, lines 48-53 (“The upper surface of the tape layer can also be usefully provided with a layer of silicone or other hydrophobic coating which helps to drive the applied sample onto the portion of exposed surfactant coated mesh at the application point . . .”).
(c ) applying a working layer over the conductive layer wherein the working layer comprises . . . an enzyme to oxidize glucose, and a mediator effective to transfer electrons from the enzyme to the conductive base layer	Both the ‘309 Patent and the ‘890 Patent feature a working coating that includes a glucose oxidizing enzyme. ‘309 Patent col. 1, lines 55-64 (“The reagent strip includes a reactant system comprising an enzyme, such as glucose oxidase . . .”; col. 3, lines 58-65; col. 5, line 35 to col. 6, line 57; ‘890 Patent at abstract; col. 2, lines 9-15 (“The working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator”).  The ‘890 Patent describes a mediator to transfer enzymes to the electrodes. ‘890 Patent at abstract; col. 2, lines 9-15 (“The working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator”).

Claim	Prior Art
(c ) applying a working layer over the conductive layer wherein the working layer comprises a mediator effective to transfer electrons from the enzyme to the conductive base layer	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the '890 Patent describes a mediator to transfer electrons from the enzyme to a conductive base layer. '890 Patent at abstract; col. 2, lines 9-15 ("The working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator").

#### 4. '862 Patent

Claim	Prior Art
Claim 1	
A disposable test strip for use in a test meter which receives a disposable test strip and a sample of blood and performs an electrochemical analysis of the amount of a blood analyte in the sample, comprising	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, '890 Patent describes a disposable test strip for use in a meter that measures the amount of glucose in a sample of blood. <i>See, e.g.</i> , '890 Patent at abstract, col. 1, lines 4-64.
(a) a substrate	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the '309 Patent and the '890 Patent describe substrates. <i>See, e.g.</i> , 309 Patent at col. 4, lines 41-47 ("A new and improved carrier matrix formed from a dispersion of a polymerizable silicon containing compound applied in an incompletely cured form in a liquid carrier containing a homogeneously mixed reactant system is applied by painting or any other means over a suitable substrate to form the test device into

Claim	Prior Art
	layer form.”); ‘890 Patent at col. 3, lines 41-44 (“The electrode support 1, typically an elongated strip of plastic material, e.g., PVC, polycarbonate or polyester, supports to or more printed tracks of electrically conducting carbon ink.”).
(b) a first conductive element disposed on the substrate	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the ‘890 Patent describes a conductive element disposed on the substrate. <i>See, e.g.</i> , ‘890 Patent at abstract (“ An electrode strip for use in an electrochemical sensor for measuring a compound in a sample is provided, including an electrode support, a reference or counter electrode disposed on the support, a working electrode spaced from the reference or counter electrode on the support”).
(c ) a second conductive element disposed on the substrate in sufficient proximity to the first conductive element to allow the completion of an electrical circuit between the first and second conductive element when a sample of blood is placed on the test strip	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the ‘890 Patent describes the means for making an electrical connection between the reference electrode, the working electrode and the glucose test meter. ‘890 Patent at abstract; col. 6, lines 54-65 (“Accordingly, in use, a sensor strip of the invention is connected, via electrode contacts 3, to a measuring device (not shown). . . . The sample first covers working electrode 5 in its entirety, and only then approaches and covers reference electrode 4, completing the circuit and causing a response to be detected by the measuring device.”).
(d) a non-conductive integrated reagent/blood separation layer disposed on the first conductive element said integrated	The ‘309 Patent describes an integrated layer that includes reagents and blood separation capabilities (in the form of silicone), effective to exclude red blood cells, that is disposed on a disposable test strip. ‘309 Patent at col. 5, line 35 to col.

Claim	Prior Art
<p>reagent/blood separation layer comprising reagents for the electrochemical detection of any analyte dispersed in a non-conductive matrix effective to exclude blood cells from the surface of the first conductive element while permitting access to the first conductive element by soluble electroactive species; and</p>	<p>6, line 57; col. 7, line 62-col. 8, line 44; <i>see also</i> '890 Patent at col. 7, lines 36-41 and 47-67.</p>
<p>(e) contact for making an electrical connection between the first and second conductive element and the test meter</p>	<p>Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the '890 Patent describes the means for making an electrical connection between the reference electrode, the working electrode and the glucose test meter. '890 Patent at abstract; col. 6, lines 54-65 ("Accordingly, in use, a sensor strip of the invention is connected, via electrode contacts 3, to a measuring device (not shown). . . . The sample first covers working electrode 5 in its entirety, and only then approaches and covers reference electrode 4, completing the circuit and causing a response to be detected by the measuring device.").</p>
Claim 2	
<p>The test strip of claim 1, wherein the integrated reagent/blood separation layer comprises an enzyme for oxidation of glucose and a redux mediator effective to</p>	<p>The elements of the independent claim 1 are set for above and incorporated herein by this reference.</p> <p>In addition: Both the '309 Patent and the '890 Patent feature a working coating that includes a glucose oxidizing enzyme. '309 Patent col. 1, lines 55-64 ("The reagent strip includes a reactant</p>



Claim	Prior Art
<p>transfer electrons from the enzyme to the first conductive element</p>	<p>system comprising an enzyme, such as glucose oxidase . . .”; col. 3, lines 58-65; col. 5, line 35 to col. 6, line 57; ‘890 Patent at abstract; col. 2, lines 9-15 (“The working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator”).</p> <p>The ‘890 Patent describes a mediator to transfer enzymes to the electrodes. ‘890 Patent at abstract; col. 2, lines 9-15 (“The working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator”).</p>
Claim 11	
<p>The test strip of claim 1, further comprising an insulation layer disposed over at least the first conductive element,</p>	<p>The elements of the independent claim 1 are set for above and incorporated herein by this reference.</p> <p>In addition: the ‘309 Patent references an insulation layer. See e.g., ‘309 Patent at col. 3, lines 41-62; col. 6, lines 17-53 (“the upper part of the electrode is enclosed by a liquid/vapor impermeable membrane (typically a flexible tape made of polyester or similar material) which includes a small aperture to allow access of the applied sample to the underlying surfactant coated mesh layers.”).</p>
<p>Said insulation layer having a first aperture therein aligned with the first conductive element</p>	<p>The elements of the independent claim 1 are set for above and incorporated herein by this reference.</p> <p>In addition: the ‘309 Patent references an insulation layer with an aperture over the electrode. See e.g., ‘309 Patent at col. 6, lines 17-53 (“the upper part of the electrode is enclosed by a</p>

Claim	Prior Art
	liquid/vapor impermeable membrane (typically a flexible tape made of polyester or similar material) which includes a small aperture to allow access of the applied sample to the underlying surfactant coated mesh layers.”).
Wherein the non-conductive integrated reagent/blood separation layer contacts the first conductive element through the aperture in the insulation layer	Does this exist?
Claim 22	
A method for forming a disposable test strip for use in a test meter which receives a disposable test strip and an sample of blood and performs an electrochemical analysis of the amount of blood analyte in the sample, comprising	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, ‘890 Patent describes a disposable test strip for use in a meter that measures the amount of glucose in a sample of blood. <i>See, e.g.</i> , ‘890 Patent at abstract, col. 1, lines 4-64.
(a) a first and second conductive element on a substrate	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the ‘890 Patent describes the means for making an electrical connection between two electrodes. ‘890 Patent at abstract; col. 6, lines 54-65 (“Accordingly, in use, a sensor strip of the invention is connected, via electrode contacts 3, to a measuring device (not shown). . . . The sample first covers working electrode 5 in its entirety, and only then approaches and covers reference

Claim	Prior Art
	electrode 4, completing the circuit and causing a response to be detected by the measuring device.”). Those electrodes are placed on a substrate. ‘390 Patent at col. 4, lines 40-49.
(b) forming a layer of insulation covering the first conductive element, said layer of insulation having a first aperture therein aligned with a portion of the first conductive element in a sample application region; and	The elements of the independent claim 1 are set for above and incorporated herein by this reference. In addition: the ‘309 Patent references an insulation layer with an aperture over the electrode. See e.g., ‘309 Patent at col. 6, lines 17-53 (“the upper part of the electrode is enclosed by a liquid/vapor impermeable membrane (typically a flexible tape made of polyester or similar material) which includes a small aperture to allow access of the applied sample to the underlying surfactant coated mesh layers.”).
(c ) forming an integrated reagent/blood separation layer disposed on the insulation layer and making contact with the first conductive element through the first aperture in the insulation layer	Does this exist?
said integrated reagent/blood separation layer comprising reagents for the electrochemical detection of glucose dispersed in a non-conductive matrix effective to exclude blood cells from the surface of the first conductive	The elements of the independent claim 1 are set for above and incorporated herein by this reference.  In addition: Both the ‘309 Patent and the ‘890 Patent feature a working coating that includes a glucose oxidizing enzyme. ‘309 Patent col. 1, lines 55-64 (“The reagent strip includes a reactant system comprising an enzyme, such as glucose oxidase . . .”; col. 3, lines 58-65; col. 5, line 35 to col. 6, line 57; ‘890 Patent at abstract;

Claim	Prior Art
<p>element while permitting access to the first conductive species by soluble electroactive species, whereby the first conductive element is isolated from direct contact with a sample placed on the test strip.</p>	<p>col. 2, lines 9-15 (“The working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator”). The ‘890 Patent describes a mediator to transfer enzymes to the electrodes. ‘890 Patent at abstract; col. 2, lines 9-15 (“The working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator”). The ‘309 Patent describes an integrated layer that includes reagents and blood separation capabilities (in the form of silicone), effective to exclude red blood cells, that is disposed on a disposable test strip. ‘309 Patent at col. 5, line 35 to col. 6, line 57; col. 7, line 62-col. 8, line 44; <i>see also</i> ‘890 Patent at col. 7, lines 36-41 and 47-67.</p>
<p>Claim 23</p> <p>The method of claim 22, wherein the reagent layer is a non-conductive integrated reagent/blood separation layer.</p>	<p>The elements of the independent claim 1 are set for above and incorporated herein by this reference.</p> <p>In addition: Both the ‘309 Patent and the ‘890 Patent feature a working coating that includes a glucose oxidizing enzyme. ‘309 Patent col. 1, lines 55-64 (“The reagent strip includes a reactant system comprising an enzyme, such as glucose oxidase . . .”; col. 3, lines 58-65; col. 5, line 35 to col. 6, line 57; ‘890 Patent at abstract; col. 2, lines 9-15 (“The working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator”). The ‘890 Patent describes a mediator to transfer</p>

Claim	Prior Art
	<p>enzymes to the electrodes. '890 Patent at abstract; col. 2, lines 9-15</p> <p>("The working electrode includes either an enzyme capable of catalyzing a reaction involving a substrate for the enzyme or a substrate catalytically reactive with an enzyme and a mediator").</p> <p>The '309 Patent describes an integrated layer that includes reagents and blood separation capabilities (in the form of silicone), effective to exclude red blood cells, that is disposed on a disposable test strip. '309 Patent at col. 5, line 35 to col. 6, line 57; col. 7, line 62-col. 8, line 44; <i>see also</i> '890 Patent at</p> <ul style="list-style-type: none"> <li>• col. 7, lines 36-41 and 47-67.</li> </ul>

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